

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

W. DAVIS C. COCHRAN, JR., et al.,

Plaintiffs,

-vs-

Case No. 3-:04-CV-024

VENDMASTERS, INC., et al.,

Judge Thomas M. Rose

Defendants.

**ENTRY AND ORDER FINDING PLAINTIFFS' MOTION TO ENFORCE
(Doc. #49) MOOT**

Now before the Court is Plaintiffs' Motion To Enforce. (Doc. #49.) In this Motion, Plaintiffs seek to enforce this Court's Entry and Order that compels Defendant Advance Placement Services ("Advance") to respond to Plaintiffs' First Set of Interrogatories and Requests for Production of Documents. (Doc. #26.)

Advance has responded in opposition to the Motion To Enforce. (Doc. #50.) The time for filing a Reply has run and none has been filed. The Motion To Enforce is, therefore, ripe for decision.

The Plaintiffs filed their Motion To Enforce because Advance allegedly did not fully respond to Plaintiffs' discovery requests. Attached to Plaintiffs' Motion is a letter to Advance's Counsel dated March 1, 2006, that details the allegedly incomplete responses. The Plaintiffs had not received a response to this letter when their Motion To Enforce was filed on March 31, 2006.

Advance opposes Plaintiffs' Motion To Enforce arguing that it has fully responded to Plaintiffs' discovery requests. Attached to Advance's Memorandum In Opposition is a letter

from Advance's Counsel to Plaintiffs' Counsel dated April 22, 2006, the same day as the Memorandum In Opposition was filed. In this letter, Advance's Counsel further explains its initial answers to the discovery requests at issue.

Since Plaintiffs have presumably received Advance's letter dated April 22, 2006, and, since they have not filed a Reply to their Motion To Enforce, they must be satisfied. Therefore, Plaintiffs' Motion To Enforce is MOOT.

DONE and **ORDERED** in Dayton, Ohio, this Twenty-Third day of May, 2006.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record